

# Statutory Instrument 1998 No. 616

## The Beef Labelling (Enforcement) Regulations 1998

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### STATUTORY INSTRUMENTS

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#### 1998 No. 616

#### FOOD

#### The Beef Labelling (Enforcement) Regulations 1998

<i>Made</i>	<i>9th March 1998</i>
<i>Laid before Parliament</i>	<i>10th March 1998</i>
<i>Coming into force</i>	<i>1st April 1998</i>

The Minister of Agriculture, Fisheries and Food, the Secretaries of State respectively concerned with health in England and food and health in Wales, acting jointly in relation to England and Wales, and the Secretary of State for Scotland in relation to Scotland, in exercise of the powers conferred on them by sections 6(4), 17(2) and 26(3) of the Food Safety Act 1990<sup>[1]</sup>, and of all other powers enabling them in that behalf, having consulted with such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations, make the following Regulations:

#### Title, commencement and interpretation

**1. - (1) These Regulations may be cited as the Beef Labelling (Enforcement) Regulations 1998 and shall come into force on 1st April 1998.**

**(2) In these Regulations -**

**"the Commission Regulation" means Commission Regulation (EC) No. 1141/97**

laying down detailed rules for the application of Council Regulation (EC) No. 820/97 as regards the labelling of beef and beef products[2];

"the Council Regulation" means Council Regulation (EC) No. 820/97 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products[3].

#### **Enforcement of the Council Regulation**

2. - (1) Any person who fails to comply with Article 12.1 of the Council Regulation shall be guilty of an offence.

(2) Where beef has been labelled and marketed in a manner which does not comply with a specification established under Article 14 or 15 of the Council Regulation, an officer of a food authority enforcing these Regulations may serve a notice on the person in possession of the beef requiring its removal from sale until the label is removed or until the beef is relabelled in accordance with those Articles; and any person who fails to comply with the provisions of that notice shall be guilty of an offence.

(3) The Minister shall be the competent authority for the purposes of Article 14 of the Council Regulation.

#### **Enforcement of the Commission Regulation**

3. - (1) Any person who fails to comply with Article 2, Article 3.1 or Article 3.4 of the Commission Regulation shall be guilty of an offence.

(2) The Minister shall be the competent authority for the purposes of Article 3 of the Commission Regulation.

#### **Enforcement bodies**

4. - (1) Subject to the following provisions of this regulation, each food authority shall enforce and execute these Regulations in its area.

(2) Each port health authority (or, in Scotland, each port local authority) shall enforce and execute these Regulations in its district in relation to imported beef.

(3) In this regulation "food authority" does not include the council of a district in a non-metropolitan county in England except where the county functions have been transferred to that council under a structural change.

#### **Penalties**

5. - (1) A person guilty of an offence under regulation 2 or 3 above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Where an offence under these Regulations is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of an offence and liable to be proceeded against and punished accordingly.

#### **Application of various provisions of the Food Safety Act 1990**

6. - (1) The following provisions of the Food Safety Act 1990 shall apply for the purposes of these Regulations as they apply for the purposes of sections 8, 14 or 15 of that Act and unless the context otherwise requires any reference to them in that Act shall be construed as a reference to these Regulations -

(a)	section 2	(extended meaning of "sale" etc.);
(b)	section 20	(offences due to fault of another person);

(c)	section 21	(defence of due diligence);
(d)	section 30(8)	(which relates to documentary evidence);
(e)	section 35(1) to (3)	(punishment of offences) insofar as it relates to offences under section 33(1) and (2);
(f)	section 36	(offences by bodies corporate); and
(g)	section 44	(protection of officers acting in good faith).

**(2) Sections 32 and 33 of the Food Safety Act 1990 (powers of entry, obstruction etc. of officers) shall apply for the purposes of these Regulations as they apply for the purposes of that Act; and any reference to the Act in those sections shall be construed for the purposes of these Regulations as including a reference to Article 12.1 of the Council Regulation and Articles 2 and 3 of the Commission Regulation.**

*Jeff Rooker*

**Minister of State, Ministry of Agriculture, Fisheries and Food**

**9th March 1998**

**Signed by authority of the Secretary of State for Health**

*Tessa Jowell*

**Minister of State for Public Health, Department of Health**

**5th March 1998**

**Signed by authority of the Secretary of State for Wales**

*Win Griffiths*

**Parliamentary Under Secretary of State, Welsh Office**

**9th March 1998**

*Sewel*

**Parliamentary Under Secretary of State, Scottish Office**

**9th March 1998**

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#### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

**These Regulations provide for the enforcement in Great Britain of Title II of Council Regulation (EC) No. 820/97 (establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products) and Commission Regulation (EC) No. 1141/97 (laying down detailed rules for the application of Council Regulation (EC) No. 820/97 as regards the labelling of beef and**

beef products). A breach of Article 12.1 of the Council Regulation or Articles 2 or 3 of the Commission Regulation is an offence against the Food Safety Act 1990 punishable by a fine not exceeding level 5 on the standard scale, as is failure to comply with a notice to remove mislabelled beef from sale (regulation 2). Failure to have in place a proper identification system under Article 2 of the Commission Regulation is an offence, as is failure to grant to the independent body employed to verify labelling claims access to premises, and failure to communicate relevant information to the competent authority (regulation 3). The Minister of Agriculture, Fisheries and Food is the competent authority for the purposes of both the Council Regulation and the Commission Regulation.

The Regulations appoint food authorities to enforce them (regulation 4).

A Regulatory Appraisal has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Beef and Sheep Division, Ministry of Agriculture, Fisheries and Food, Whitehall Place (West Block), London SW1A 2HH.

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*Notes:*

[1] 1990 c.16. "The Ministers" is defined in section 4(1) of the Act. Section 6(4) of the Act was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c.40).[back](#)

[2] OJ No. L165, 24.6.97, p.7.[back](#)

[3] OJ No. L117, 7.5.97, p.1.[back](#)

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